

*e-filed 10/17/07

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Counsel for Defendant Cuong Chi Vuong

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,)	No. CR 01-20154 JF
)	
Plaintiff,)	STIPULATION TO CONTINUE
)	MOTIONS DATE;
vs.)	[PROPOSED] ORDER
)	
CUONG CHI VUONG and RICKY VONG,)	
)	
Defendants.)	
)	

It is hereby stipulated between the United States of America, by and through Assistant United States Attorneys James T. Chou and Shawna Yen, and defendants Cuong Chi Vuong and Ricky Vong, by and through their respective defense counsel, that the hearing on their motions which is currently scheduled for October 16, 2007, be continued to November 14, 2007, at 10:00 a.m.

This stipulation is necessary because defense counsel for Cuong Chi Vuong and Ricky Vong are unavailable on October 16, 2007, and the next available date for both counsel is November 14,

STIP AND ~~[PROPOSED]~~ ORDER

2007. Therefore the ends of justice served by such a continuance outweigh the best interest of the public and the defendants in a Speedy Trial within the meaning of Title 18 U.S.C. §3161(h)(8)(A).

The parties stipulate that the time between October 16, 2007 and November 14, 2007 shall be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., pursuant to Title 18, United States Code, Section 3161(h)(8)(A), considering the factors set forth in Section 3161(h)(8)(B). As required by 18 U.S.C. §3161 (h)(8)(B)(iv), it is stipulated that the ends of justice outweigh the best interest of the public and the defendant in a speedy trial and the denial of the stipulation to continue the motions hearing would unreasonably deny the defendants reasonable time necessary for effective preparation of the pretrial motions and defense, taking into account the exercise of due diligence, and would deny the defendant continuity of counsel. 18 U.S.C. §3161(h)(8)(B)(iv).

Additionally, under title 18 U.S.C. § 3161 (h)(1)(F), delay resulting from a pretrial motion is excluded from the Speedy Trial Calculation. Since Cuong Chi Vuong's Motion to Suppress Statements and Ricky Vong's Motion for Severance and Motion to Exclude Witness Statements have been filed, the period of time through the ruling on the motions is excluded from the Speedy Trial Clock.

It is so stipulated.

Dated: October 12, 2007

Respectfully submitted,

/s/ Vicki H. Young
VICKI H. YOUNG, ESQ.
MARK D. EIBERT, ESQ.
Attorneys for Cuong Chi Vuong

Dated: October 12, 2007

/s/ Brendan Conroy
BRENDAN CONROY, ESQ.
Attorney for Ricky Vong

1 Dated:

2 SCOTT N. SCHOOLS
3 UNITED STATES ATTORNEY

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JAMES T. CHOU
6 SHAWNA YEN
7 Assistant United States Attorneys
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STIP AND [PROPOSED] ORDER

PROPOSED ORDER

GOOD CAUSE BEING SHOWN, the Motion to Suppress Statement filed by Cuong Chi Vuong and the Motion for Severance and Motion to Exclude Witness Statements filed by Ricky Vong are continued to November 14, 2007. This Court finds that the period from October 16, 2007, through and including November 14, 2007, is excludable time under the Speedy Trial Act, 18 U.S.C. §3161(h). The basis for such exclusion is the defense counsel are unavailable on October 16, 2007, and the next available date is November 14, 2007.

Under title 18 U.S.C. § 3161 (h)(1)(F), delay resulting from a pretrial motion is excluded from the Speedy Trial Calculation. Since the motions cannot be heard until November 14, 2007, the period of time through the ruling on the motions is excluded from the Speedy Trial Clock.

Therefore the ends of justice served by such a continuance outweigh the best interest of the public and the defendants in a Speedy Trial within the meaning of Title 18 U.S.C §3161(h)(8)(A).

As required by 18 U.S.C §3161 (h)(8)(B(iv)), this Court finds that the reason that the ends of justice outweigh the best interest of the public and the defendant in a speedy trial are the denial of the continuance would unreasonably deny the defendant reasonable time necessary for effective preparation of the pretrial motions and defense, taking into account the exercise of due diligence, and would deny the defendant continuity of counsel. 18 U.S.C. §3161(h)(8)(B)(iv).

DATED: 10/16/07



JEREMY FOGEL
UNITED STATES DISTRICT JUDGE

STIPULATION RE CONTINUANCE
[PROPOSED] ORDER